



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, TUESDAY, JULY 13, 2004

No. 96

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord and Ruler, Your name is wonderful and Your glory can be seen in the heavens.

We thank You for this deliberative process of lawmaking with its challenges and opportunities. As our Senators debate the issue of marriage, give them wisdom and courage. Let them be fully persuaded in their minds about the course that will best bless America. Deliver them from a reluctance to respect honest differences, as they remember their ultimate accountability to You.

Bless them with divine insights as they grapple with the complexities that require hard choices. Make it their ultimate goal to serve You by doing what is best for our Nation.

We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the first half of the time under the control of the minority lead-

er or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE ASSISTANT MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting Democratic leader.

SENATE SCHEDULE

Mr. REID. Mr. President, the majority leader will be coming at a later time. I simply wanted to say that we renew our request on this issue which people feel so strongly about relating to marriage, that we move forward and vote on Resolution 40 that is now before the Senate. We have indicated, through our leader, Senator DASCHLE, and again yesterday, that we would be willing to move to that resolution posthaste. We would be willing to cooperate with the majority, have whatever debate time they wanted on the resolution itself. But we on this side are disappointed. Yesterday morning we were told the majority had another constitutional amendment they wanted to vote on relating to marriage, making it two. Then later in the day, we were told they still had a third one, which is certainly a recipe for having no vote on anything.

If there is no vote on the substance of this marriage amendment, it will lie at the feet of the majority. They have the ability to have an up-or-down vote on this resolution as soon as they want it. It is not good for the process to have an open season on amendments. What would happen is we would move to the marriage amendment and then, by simple majorities, one could attach whatever one wanted to it. The majority realizes we would never have an up-or-down vote on a marriage amendment because it would be filled with all kinds of other things.

This reminds me of the same thing that took place last week on something

some Members also felt very strongly about—class action. On that, there was a sufficient number of Democrats, I am told, who would have been able to move forward with this legislation. But instead of moving forward on it, the majority again decided they didn't want to. They wouldn't allow a limited number of amendments. Therefore, we did nothing.

We have wasted 2 weeks. This will be the second week. I am told that when we finish the marriage amendment, which will be very shortly, if the procedures are as indicated—the majority leader filed cloture last night and we would move to the matter Wednesday to vote on it—the majority has indicated they want to move to the Australian free-trade agreement.

Now, I know Australia has been a good ally of this country, but, for Heaven's sake, we have so many more important things to do and we are going to take valuable Senate time away from the appropriations bills, one of which is on the floor, the one relating to homeland security.

The Presiding Officer has indicated that, with certain limitations, he would be willing to move forward on that bill. While we may not accept those limitations, we would certainly be willing to work with the chairman of the Appropriations Committee to move forward on that legislation.

We had a briefing last week on homeland security. We are having another one tomorrow dealing with the emergency evacuation of this Capitol complex. There are things we need to do rather than have another free-trade agreement.

I hope the majority will see the light and allow us to vote on the marriage amendment tomorrow, or whenever they choose, if they want more time to debate it. I think it would be good for the people of this country if they knew how people stood on the constitutional amendment before this body.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S7943

I suggest the absence of a quorum and ask unanimous consent that the first half hour of morning business run against our side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Will the Chair announce the morning business hour? I don't believe it has been done.

The PRESIDENT pro tempore. The Chair did announce that.

Mr. REID. Under the Democratic time, the first 15 minutes will be for Senator LAUTENBERG. The next 10 minutes will be for Senator HARKIN. The time for Senator LAUTENBERG has already started to run. I ask unanimous consent that be the case.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I have 15 minutes to make my presentation in morning business, and if my time extends beyond the time allocated, that it be equally available to the Republican side as well.

The PRESIDENT pro tempore. On behalf of the Senate leadership, the Chair objects until we are so informed that they have cleared that process. The Senator's time is running.

Mr. LAUTENBERG. Mr. President, I was unaware of that. Be that as it may, may I ask from the Parliamentarian or the Chair, what is the business that follows immediately after morning business?

The PRESIDENT pro tempore. The Senate will resume consideration of S.J. Res. 40, which is the marriage amendment.

Mr. LAUTENBERG. I just want to be sure. We are going to be discussing whether we put into the Constitution a ban on gay marriage. As a consequence, we are not going to be able to discuss issues that affect Halliburton or this war or the condition of our country. I assume that is correct, Mr. President.

The PRESIDENT pro tempore. The Chair is not in a position to debate with the Senator.

Mr. LAUTENBERG. It is no debate; it is a question of what is generally ap-

propriate and available on the floor of the Senate, and when courtesies are extended.

The PRESIDENT pro tempore. The Senator's time is running.

HALLIBURTON CONTRACT

Mr. LAUTENBERG. Mr. President, I rise to discuss unanswered questions regarding the no-bid contract that the administration awarded Halliburton last year to operate Iraq's oil infrastructure.

As my colleagues know, I have been outspoken in my criticism of this no-bid contract awarded by the Bush administration to the company that the Vice President led for 5 years as CEO. This one contract alone has cost the U.S. taxpayers \$2.2 billion. That is \$2.2 billion in public funds that were given to a company through a contract on which no other companies were allowed to bid.

Recognizing this condition, we had a unanimous vote one night in the Senate, when it was decided that we would no longer ever, in connection with the Iraq war, issue any no-bid contracts. We forced that out into the open, even though it was the intention of the Republican majority to keep it from being discontinued, the no-bid contract business.

To make matters worse, the Vice President maintains a continuing financial relationship with Halliburton, even as the company reaps the benefit of multibillion-dollar contracts from the Bush-Cheney administration. I believe it is ethically inappropriate, but the Vice President's response to criticism has been to dismiss the concerns with questionable statements.

For example, on September 14, 2003, the Vice President was asked about his relationship with Halliburton and the no-bid contract on "Meet the Press." Vice President CHENEY told Tim Russert:

I've severed all of my ties with the company, gotten rid of all of my financial interest. I have no financial interest in Halliburton of any kind and haven't had, now, for over three years.

The problem with that statement is that when he said it, he held over 400,000 Halliburton stock options and continues to receive deferred salary from the company.

But that is not all the Vice President said that day. Look at his other statement on this placard:

[A]s Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts led by the [Army] Corps of Engineers or anybody else in the Federal Government.

September 14, 2003.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. LAUTENBERG. I will.

Mr. REID. We have 5 extra minutes. Mr. President, I yield that time to the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I appreciate that very much because

they want to shut down the debate on Halliburton, whose receivables were \$161 million larger than the Pentagon wanted to pay because they knew there were overcharges, but they do not want to let that debate happen here. I thank the Senator from Nevada for those extra 5 minutes.

For months, the Vice President's allies pointed to this statement saying that he made it clear that he stays out of all issues relating to Halliburton's contracts. But now an e-mail from March 2003 has become public, and it seriously challenges Vice President CHENEY's claim of a hands-off policy. In fact, the e-mail message suggests that the Vice President's office had an active role in Halliburton's no-bid contract.

Look at this e-mail:

Feith—

Feith was Under Secretary of the Department of Defense.

Feith approved, contingent on informing the WH tomorrow. We anticipate no issues since action has been coordinated with the VP's office. Expect PA press release and Congressional coordination tomorrow AM and declass action to us early in PM. . . .

They are saying go ahead, fellows, don't worry about anything, this is cleared with the Vice President's office, perhaps even including the knowledge that maybe there would be some overcharges, but so what. What about profiteering during the war? We have lost over 800 people in Iraq, but the fact that the taxpayers are being cheated in the process, well, that is kind of normal business, and they don't want that aired on this floor of the Senate.

This e-mail tells a very different tale than what the Vice President has been saying. The date of this e-mail is a mere 3 days before Halliburton was given the no-bid contract. The e-mail says that Under Secretary of Defense for Policy, Douglas Feith, approved, giving the no-bid contract to Halliburton contingent upon the White House giving the green light. Browning then says that he or she "anticipates no issues" because the awarding of the contract has been "coordinated with the Vice President's office."

This is damning information. Despite the signs of misconduct, the Senate has done nothing to investigate this matter. I have written to Attorney General Ashcroft asking for a special counsel to be appointed, similar to that action taken in the Valerie Plame case. Several laws may have been broken in the awarding of the Halliburton contract, including the Competition in Contracting Act and criminal conspiracy. I have also asked the chairman of the Governmental Affairs Committee to issue subpoenas to the Pentagon and the Vice President's office regarding communication between those two offices on Halliburton contracts.

In my view, the credibility of this institution is at stake, not that anybody seems to care. Here we are seeing the